## UNITED STATES DISTRICT COURT DISTRICT OF MASSACHUSETTS

IN RE: NEW ENGLAND	)
COMPOUNDING PHARMACY, INC.	)
PRODUCTS LIABILITY LITIGATION	)
	) MDL No. 1:13-md-2419
This Document Relates to:	) Dkt. No. 1:13-md-2419 (RWZ)
	) Judge Rya Zobel
All Cases Against the Specialty Surgery	)
Center	)

# JOINT STIPULATION AGREEING TO EXTEND TIME FOR PLAINTIFFS TO RESPOND TO SSC DEFENDANTS' FED. R. CIV. P. 12(B)(6) MOTION TO DISMISS

The Plaintiffs' Steering Committee (the "PSC") and counsel for the Specialty Surgery Center Defendants hereby jointly stipulate that the deadline for the PSC to respond to the SSC' Defendants' Fed. R. Civ. P. 12(b)(6) Motion to Dismiss [Dkt. 3086] currently due Monday, September 26, 2016, shall be extended to Friday October 7, 2016. In support of this joint stipulation, the parties state as follows:

- Consistent with MDL Order No. 11 [Dkt. No. 1524], the PSC and the Specialty Surgery Center Defendants have agreed to this extension. Under MDL Order No. 11, these are the only "Impacted Parties" impacted by this motion.
- 2. This is the first extension sought for response to this motion.

Accordingly, under MDL Order No. 11, the parties believe this Joint Stipulation is sufficient to extend the deadline without further action by the Court.

Date: September 23, 2016 Respectfully submitted,

#### /s/ Benjamin A. Gastel

J. Gerard Stranch, IV Benjamin A. Gastel Anthony A. Orlandi BRANSTETTER, STRANCH & JENNINGS, PLLC 223 Rosa L. Parks Ave., Suite 200 Nashville, TN 37203 Telephone: 615/254-8801 Facsimile: 615/255-5419 gerards@bsjfirm.com beng@bsjfirm.com aorlandi@bsjfirm.com

Plaintiffs' Steering Committee and TN Chair

Thomas M. Sobol Kristen Johnson Parker HAGENS BERMAN SOBOL SHAPIRO, LLP 55 Cambridge Parkway, Suite 301 Cambridge, MA 02142

Telephone: 617/482-3700 Facsimile: 617/482-3003

tom@hbsslaw.com kristenjp@hbsslaw.com

### Plaintiffs' Lead Counsel

Annika K. Martin
Mark P. Chalos
LIEFF CABRASER, HEIMANN & BERNSTEIN, LLP
250 Hudson Street, 8<sup>th</sup> Floor
New York, NY 10013
Telephone: 212/355-9500
Facsimile: 212/355-9592
akmartin@lchb.com
mchalos@lchb.com

#### Federal/State Liaison

Marc E. Lipton LIPTON LAW 18930 W. 10 Mile Road Southfield, MI 48075 Telephone: 248/557-1688 Facsimile: 248/557-6344 marc@liptonlaw.com

Kimberly A. Dougherty JANET, JENNER & SUGGS, LLC 31 St. James Avenue, Suite 365 Boston, MA 02116 Telephone: 617/933-1265 kdougherty@myadvocates.com Mark Zamora
ZAMORA FIRM
6 Concourse Parkway, 22<sup>nd</sup> Floor
Atlanta, GA 30328
Telephone: 404/451-7781
Facsimile: 404/506-9223

mark@markzamora.com

Patrick T. Fennell (VSB 40393) CRANDALL & KATT 366 Elm Avenue, S.W. Roanoke, VA 24016 Telephone: 540/342-2000

Facsimile: 540/400-0616 pfennell@crandalllaw.com

Plaintiffs' Steering Committee

## **CERTIFICATE OF SERVICE**

I, Benjamin A. Gastel, hereby certify that I caused a copy of the foregoing document to be filed electronically via the Court's electronic filing system. Those attorneys who are registered with the Court's electronic filing system may access these filings through the Court's system, and notice of these filings will be sent to these parties by operation of the Court's electronic filing system.

Date: September 23, 2016

/s/ Benjamin A. Gastel
Benjamin A. Gastel